THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 25602 of 2006

DATED: 8-12-2006

Between:

Potla Saidaiah

…Petitioner

and

Commissioner of Endowments,
Govt. of Andhra Pradesh, Hyderabad
and another

…Respondents.

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.No. 25602 of 2006

Oral Order:

Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments for the respondents.

The petitioner apprehends that his application dated 13-11-2006 for appointment as a trustee in the Board of Trustees to be appointed to Sri Pattabhi Ramaswamy Vari Temple, Tenali, Guntur District would not be considered.

On 31-10-2006, a notification was issued calling for applications for appointment as trustees to the temple. The petitioner, by his representation dated 13-11-2006, applied for being considered pursuant to the notification dated 31-10-2006 and thereat asserted that he had contributed to the construction of certain structures in the temple and had also rendered managerial services to the temple for a considerable time and, therefore, his case should be considered for appointment as a trustee. Apprehending that his application would not be considered and the respondents would issue orders for constitution of a Board of Trustees ignoring his case, the writ petition is filed. The petitioner does not assert or claim to be a member of the founders family.

Admittedly, as on date, no appointment of the Board of Trustees to the temple has been made and no order issued in this behalf. The learned counsel for the petitioner states that in view of the provisions of Section 18 of the Andhra Pradesh Charitable and Hindu Religious

Institutions and Endowments Act 1987, since the petitioner had contributed to some of the constructions and the development of the institution, he should be accorded preference. Section 18 of the Act reads as under:-

> "**Qualifications of Trusteeship**:- A person shall be qualified for being appointed as or for being a trustee of charitable or religious institution or endowment,-
>
> (a) if he has faith in God;
> (b) if he possesses good conduct, and reputation and commands respect in the locality in which the institution is situated;
> (c) if he has contributed for construction, renovation or development of any institution or performance of any Utsavam or Ubbayam or any charitable cause;
> (d) if he has sufficient time and interest to attend to the affairs of the institution; and
> (e) if he possesses any other merit.

Clauses (a) to (e) set out the criteria and qualifications for appointment of a trustee to a charitable or religious institution or endowment governed by the provisions of the Act. The petitioner claims preference under clause (c) of Section 18 of the Act. There is nothing in the language of Section 18 that posits an interpretation that preference should be given for the criteria spelt out in clause 18 (c) of the Act. All the qualifications enumerated in clauses (a) to (e), in particular, clauses (a) to (d) are qualifications, which shall have to be considered by the competent authority in evaluating the eligibility of an applicant for being appointed as a trustee.

As and when an order is issued by the competent authority

appointing the Board of Trustees and if the petitioner is not considered for such appointment or is not appointed as a trustee, the petitioner would have a cause of action to litigate. As on date, the apprehensions are unfounded and the cause are moot. There are no merits in the petition.

In extremis, the petitioner contends that the respondents be directed to dispose of his representation dated 13-11-2006. No such direction can be issued. The representation submitted by the petitioner constitutes an application in response to the notification calling for applications for appointment as trustees. No applicant has any right to have his application individually considered and disposed of. All the applications will have to be considered by the competent authority duly evaluating the applications on the basis of the relevant criteria set out in Section 18 of the Act. On this analysis, this request of the petitioner does not merit acceptance and is rejected.

The writ petition is accordingly dismissed at the stage of admission. No order as to costs.

GODA RAGHURAM, J

8th December, 2006.
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